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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,794	03/23/2005	Osamu Ishigami	SHM-15962	9163
40854 7590 01/07/2010 RANKIN, HILL, & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808				
EXAMINER ROE, JESSEE RANDALL				
ART UNIT 1793		PAPER NUMBER		
MAIL DATE 01/07/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/528,794

**Applicant(s)**

ISHIGAMI ET AL.

**Examiner**

JESSEE ROE

**Art Unit**

1793

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 4-7 and 9.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Roy King/  
Supervisory Patent Examiner, Art Unit 1793

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed 30 November 2009 have been fully considered but they are not persuasive.

First, the Applicant primarily argues that the thermal drying process carried out at 100 to 200 degrees Celsius has an effect of drying the stainless steel by vaporizing washing water adhered to a passivated coating film on a surface of the stainless steel and also an effect of stabilizing the passivated coating film on the surface of the stainless steel and thus improving the corrosion resistance of the stainless steel and these advantageous effects are evidenced by lower corrosion densities shown in Figure 3 of the present application and not shown or taught by any of the cited references.

In response, the Examiner notes that the Applicant has not distinguished the criticality of the drying temperature within the range of 100 to 200 degrees Celsius since, according to Figure 3, the corrosion current would be unexpected and significantly different from 100 and 200 degrees Celsius at temperatures of 99 degrees Celsius and 201 degrees Celsius. MPEP 716.02(b).

Second, the Applicant primarily argues that the bubbling technique shown in JP '990 relies on vapor bubbles produced by cavitation and impingement of the cavitation vapor bubbles on a surface of a treated object or work surface to increase an electric potential of the work surface to thereby form a passivated coating film on the work surface. The Applicant further argues that vapor bubbles produced by cavitation do not increase the amount of oxygen dissolved in the liquid, as required by claim 1 and the air bubbling shown in Kovacs ('663) is not conducted during a passivation treatment but done before the passivation treatment for adjusting a pH of a treatment solution and there is no motivation to substitute the cavitation vapor bubbling as taught by JP '990 with the air-bubbling as taught by Kovacs ('663).

In response, the Examiner notes that Kovacs ('663) teaches a process for passivating stainless steel wherein external air/oxygen bubbling can be utilized to improve passivation and one having ordinary skill in the art would have realized that both air bubbling by cavitation as taught by JP '990 and external air/oxygen bubbling by Kovacs ('663) perform the same function of aiding or improving passivation film formation on stainless steel surfaces. Therefore, one of ordinary skill in the art would have found substitution of air bubbling by cavitation, as taught by JP '990 with external air/oxygen bubbling, as taught by Kovacs ('663) an expected success of improved passivation film formation.

Third, the Applicant primarily argues that none of the cited references describe the particular drying process now recited in claim 5 as amended.

In response, one having ordinary skill in the art would have it obvious to have varied the drying temperature in the process of JP '990 in view of Kovacs ('663) via routine optimization in order to achieve the desired coating drying speed since the drying temperature directly affects how fast the passive layer becomes dry. MPEP 2144.05 II.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Roe whose telephone number is (571)272-5938. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:00 AM - 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J/R/